

Serial No. 10/556,833  
Art Unit 2625

PU040092  
Customer No. 24498

### REMARKS

Claims 1-26 remain pending in this application. Claims 1, 9-10, 14-15 and 26 stand rejected. Claims 2-8, 11-13, and 16-25 stand objected to as depending from a rejected base claim, but would be allowable if re-written in independent form. To that end, applicants have amended claims 2 and 16 to incorporate the features of claims 1 and 15, respectively. As amended claims 2 and 16 warrant allowance along with claims 3-6, 8, 11-13, 17-20, and 23-25. Applicants' claims 1 and 15 and dependent claims 7, 9-10, 14, 21 and 26 patentably distinguish over the art of record for the reasons given below. Applicants respectfully request reconsideration of the rejection of these claims.

#### 35 U.S.C. § 112 Rejection of Claims 9 and 10

Claims 9 and 10 stand rejected under 35 U.S.C. § 112, second paragraph for being indefinite. In particular, the examiner contends that the terms "in-band" and "out-of-band" lack clarity.

Applicants respectfully take issue with the examiner's rejection. The terms "out of band" and "in band" have well known meanings in the field of communications. For example, the Wikipedia, the free on-line encyclopedia, defines the term "out of band" as follows:

**Out-of-band (OOB)** is a technical term with different uses in communications and telecommunication. It refers to communications, which occur outside of a previously established communications method or channel. <http://en.wikipedia.org/wiki/Out-of-band>

By the same token, Wikipedia defines in band signaling as:

In telecommunications, **in-band signaling** is the sending of metadata and control information in the same band, on the same channel, as used for data. [http://en.wikipedia.org/wiki/In-band\\_signaling](http://en.wikipedia.org/wiki/In-band_signaling)

Thus, based on such well-known definition for out-of-band signaling, a skilled artisan would understand that claim 9 recites a method of step of transmitting film grain information on a different channel as the image information. In a similar manner, a skilled artisan would understand that claim 10 recites a method of transmitting film grain information within the same

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channel as the image information. Each of claims 9 and 10 distinctly point out the applicants' invention and fully comply with 35 U.S.C. 112. Accordingly, applicants' request withdrawal of the 35 U.S.C. § 112 rejection of claims 9 and 10.

### 35 U.S.C. § 102(b) Rejection of Claims 1 and 15

Claims 1 and 15 stand rejected under 35 U.S.C. 102(b) as anticipated by EP062000, corresponding to WO93/14591, in the name of Robert Farber. Applicants respectfully traverse the rejection.

The Farber patent concerns a technique for adding film grain to video image produced by a progressive scan video camera (110). The analog video image produced by the camera (110) undergoes conversion into a digital signal by an A/D converter (116). A summing amplifier (122) sums the digitized video signal with white noise generated by a grain simulator to produce a video signal having simulated film grain.

Applicants' claims 1 and 15 recites the feature of characterizing film grain such that the information includes at least one parameter specifying a film grain attribute. Notwithstanding the examiner's assertion to the contrary, the Faber reference does not teach this feature of claims 1 and 15. As depicted in FIG. 1 and described at page 13 lines 20-32 of the Faber patent, film grain simulation makes use of clipped random white noise. By clipping the positive swing of the random white noise, Faber creates random amplitude negative-going spikes, which when summed with the real time video signal, creates the appearance of random dark spots. These dark spots form a grain pattern that appears constant for two or three fields of video corresponding to a single frame.

The process by which Faber simulates grain does not rely on any parameters whatsoever. Rather, Faber's film grain simulation technique depends only on random white noise. Faber does not simulate film grain based on a film grain parameter. Hence, Faber has no need and does not characterize an image stream to provide film grain information that includes a parameter specifying a film grain attribute, as recited in claims 1 and 15. Therefore, claims 1 and 15 patentably distinguish over the art record. Accordingly, applicants request withdrawal of the 35 U.S.C. 102(b) rejection of claims 1 and 15.

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Claims 7, and 9-10 depend from claim 1 whereas claim 21 depends from claim 15. Dependent claims 7, 9-10 and 21 thus incorporate by reference all of the features of their respective independent base claim. Therefore 7, 9-10, and 21 patentably distinguish over the art of record for the same reasons as advanced for claims 1 and 15, respectively

### 35 U.S.C. § 103(a) Rejection of Claims 14 and 26

Claims 14 and 26 stand rejected under 35 U.S.C. § 103(a) as obvious in view of EP062000, corresponding to WO93/14591, in the name of Robert Farber. Applicants traverse this rejection.

Claims 14 and 26 depend from claims 1 and 15, respectively, and incorporate by reference all of the features of their respective parent claim. As discussed above, Faber does not simulate film grain based on a film grain parameter. Therefore, Faber does not disclose or suggest characterizing an image stream to provide film grain information such that the information includes at least one parameter specifying a film grain attribute as recited in claims 1 and 15. Thus, claims 1 and 15, and claims 14 and 26 that depend therefrom, respectively, patentably distinguish over the Faber patent. Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 14 and 26.

### Conclusion

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicant's attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

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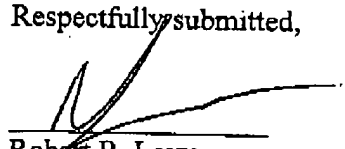
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Please charge the cost of the two additional independent claims, as well charge any fee or credit any overpayment to Deposit Account No. 07-0832.

Respectfully submitted,

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